

The Gazette of India

EXTRAORDINARY
PART II—Section
PUBLISHED BY AUTHORITY

No. 33] NEW DELHI, TUESDAY, JULY 31, 1956

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 31st July, 1956:—

Bill No. XII of 1956.

A Bill to establish a Press Council for the purpose of preserving the liberty of the Press and of improving the standards of newspapers in India.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

CHAPTER 1

PRELIMINARY

1. (1) This Act may be called the Press Council Act, 1956.

Short title
and extent.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. In this Act, unless the context otherwise requires,—

Definitions

(a) "Chairman" means the Chairman of the Council;

(b) "Council" means the Press Council of India established under section 3;

(c) "member" means a member of the Council and includes its Chairman;

(d) "prescribed" means prescribed by rules made under this Act;

(e) the expressions "newspaper", "newspaper establishment" and "working journalist" have the meanings respectively assigned to them in the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955, and the expression "editor" has the meaning assigned to it in the Press and Registration of Books Act, 1867.

45 of 1955.
25 of 1867.

CHAPTER II

ESTABLISHMENT OF THE COUNCIL

Incorporation of the Council.

3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established a Council by the name of the Press Council of India.

(2) The said Council shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.

Composition of the Council.

4. (1) The Council shall consist of a Chairman and twenty-five other members.

(2) The Chairman shall be appointed by the President of India.

(3) The other members shall be chosen as follows:—

(a) thirteen members from among the working journalists, of whom not less than six shall be editors so however that the number of editors of newspapers published in Indian languages shall not be less than three;

(b) six members from among persons who own or carry on the business of management of newspapers;

(c) two members from among persons having special knowledge or practical experience in respect of education or culture;

(d) one member to represent the Sahitya Akademi established by the Resolution of the Government of India in the Ministry of Education No. F.64/51—G.2(A), dated the 15th December, 1952;

(e) three members, of whom two shall be from among the members of the House of the People and one from among the members of the Council of States.

(4) The two members to be chosen from among the members of the House of the People shall be appointed by the Speaker thereof and the one to be chosen from among the members of the Council of States shall be appointed by the Chairman thereof; and save as aforesaid, all the other members referred to in sub-section (3) shall be appointed by a Committee consisting of the Vice-President of India, the Speaker of the House of the People and the Chairman of the Council.

(5) Before making any appointment under clause (a) or clause (b) of sub-section (3), the Committee referred to in sub-section (4) shall, in the prescribed manner, invite panels of names from all such associations of working journalists or of persons owning or carrying on the business of management of newspapers as may be

notified in this behalf by the Central Government and may also consult such other associations or persons as it thinks fit; and in making any such appointment, the Committee shall have due regard to the panels of names forwarded to it.

(6) Before making any appointment under clause (c) or clause (d) of sub-section (3), the Committee shall consult such associations or persons as it thinks fit and shall also invite a panel of not less than three names from the Sahitya Akademi.

(7) The names of persons appointed under sub-section (4) shall be forwarded to the Central Government and shall be notified by that Government in the Official Gazette, and every appointment under this section shall take effect from the date on which it is so notified.

5. (1) The Chairman and other members shall hold office for a period of three years: Term of office and retirement of members.

Provided that out of the members appointed for the first time under sub-section (4) of section 4, eight shall retire at the end of one year, eight at the end of two years and the remaining nine at the end of three years, the members so to retire being determined by lot in accordance with such procedure as may be prescribed and the vacancies so caused shall be filled by fresh appointment.

(2) The Chairman or any other member may resign his office by giving notice in writing to the Central Government and, on such resignation being accepted by that Government, shall be deemed to have vacated his office.

(3) A casual vacancy created by the resignation of a member under sub-section (2) or for any other reason shall be filled by fresh appointment and a member so appointed shall hold office for the remaining period for which the member in whose place he is appointed would have held office.

(4) Every fresh appointment to fill a casual vacancy or a vacancy caused by the retirement of a member shall be made from the same category of persons to which the member in whose place the appointment is to be made belonged, and every such appointment shall be made by the same person or authority by which, and in the same manner in which, that member was appointed.

(5) A retiring member shall be eligible for re-appointment.

6. (1) The members shall receive such allowances or fees for attending the meetings of the Council as may be prescribed: Conditions of service of members.

Provided that the Chairman may be paid such honorarium or salary as the Central Government may think fit.

(2) Subject to the provisions of sub-section (1), the conditions of service of members shall be such as may be provided by regulations made under this Act.

Meetings of the Council.

7. The Council shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations made under this Act.

Committees of the Council.

8. For the purpose of performing its functions under this Act, the Council may constitute from amongst its members such Committees for general or special purposes as it may deem necessary and every Committee so constituted shall perform such functions as are assigned to it by the Council.

Vacancies amongst members or defect in the constitution not to invalidate acts and proceedings of the Council.

9. No act or proceeding of the Council shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution of, the Council.

Staff of the Council.

10. Subject to such rules as may be made by the Central Government in this behalf, the Council may appoint a Secretary and such other employees as it may think necessary for the efficient performance of its functions under this Act and the terms and conditions of service of the employees shall be such as may be determined by the Council.

Authentication of orders and other instruments of the Council.

11. All orders and decisions of the Council shall be authenticated by the signature of the Chairman or any other member authorised by the Council in this behalf and other instruments issued by the Council shall be authenticated by the signature of the Secretary or any other officer of the Council authorised in like manner in this behalf.

CHAPTER III

POWERS AND FUNCTIONS OF THE COUNCIL

Objects and functions of the Council.

12. (1) The object of the Council shall to preserve the liberty of the Press and to maintain and improve the standards of newspapers in India.

(2) The Council may, in furtherance of its object, perform the following functions, namely:—

(a) to help newspapers to maintain their independence;

(b) to build up by all possible means a code of conduct for newspapers and journalists in accordance with the highest professional standards;

(c) to ensure on the part of newspapers the maintenance of high standards of public taste;

(d) to encourage the growth of a sense of responsibility and public service among journalists;

(e) to keep under review any development likely to restrict the supply and dissemination of news of public interest and importance and also the arrangements made for the reproduction in India of material obtained from other countries;

(f) to promote the establishment of such common service for the supply and dissemination of news to newspapers as may from time to time appear to it to be desirable;

(g) to provide facilities for the proper education and training of persons in the profession of journalism and to assist such persons in securing employment;

(h) to promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers;

(i) to study developments which may tend towards monopoly or concentration of ownership of newspapers and if necessary, to suggest remedies therefor;

(j) to promote technical or other research;

(k) to do such other acts as may be incidental or conducive to the discharge of the above functions.

13. (1) Where, on receipt of a complaint made to it or otherwise, the Council has reason to believe that a newspaper has offended against the standards of journalistic ethics or public taste or that a journalist has committed any professional misconduct, the Council shall, after giving the newspaper or the journalist concerned an opportunity of being heard, hold an inquiry in such manner as may be provided by regulations made under this Act, and if it is satisfied that it is necessary so to do, it may censure the newspaper or the journalist, as the case may be.

Power to
censure.

(2) Nothing in sub-section (1) shall be deemed to empower the Council to hold an inquiry into any matter in respect of which any proceeding is pending in a court of law.

14. (1) For the purpose of performing its functions under this Act, the Council may require the publisher of any newspaper to furnish to it information on such points or matters as it may deem necessary.

General
powers of
the Council.

(2) While holding any inquiry under this Act, the Council shall have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of persons and examining them on oath;

- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents.

(3) Every inquiry held by the Council shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code. 45 of 1860.

Payments to the Council.

15. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Council in each financial year such sums as may be considered necessary for the performance of the functions of the Council under this Act.

Fund of the Council.

16. (1) The Council shall have its own Fund; and all sums which may, from time to time, be paid to it by the Central Government and all grants and advances made to it by any other authority or person, shall be carried to the Fund and all payments by the Council shall be made therefrom.

(2) All moneys belonging to the Fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Central Government, be decided by the Council.

(3) The Council may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the Fund of the Council.

Budget.

17. The Council shall prepare, in such form and at such time each year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure, and copies thereof shall be forwarded to the Central Government.

Annual Report.

18. The Council shall prepare once every year, in such form and at such time as may be prescribed, an annual report giving a summary of its activities during the previous year, and giving an account of the standards of newspapers and factors affecting them, and copies thereof shall be forwarded to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament.

Accounts and audit.

19. The accounts of the Council shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed.

CHAPTER IV

MISCELLANEOUS

Protection of action taken in good faith.

20. (1) No suit or other legal proceeding shall lie against the Council or any member thereof or any person acting under the direction of the Council in respect of anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against any newspaper in respect of the publication of any matter therein under the authority of the Council.

45 of 1860.

21. Every member of the Council and every officer or other employee appointed by the Council shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Members, etc., to be public servants.

22. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the allowances or fees to be paid to members of the Council to attend meetings of the Council;

(b) the manner in which panels of names may be invited under sub-section (5) or sub-section (6) of section 4;

(c) the procedure for retirement of members under the proviso to sub-section (1) of section 5;

(d) the terms and conditions of service of the employees of the Council;

(e) the form in which, and the time within which, the budget and annual report are to be prepared by the Council;

(f) the manner in which the accounts of the Council are to be maintained and audited.

(3) All rules made under this section shall, as soon as possible after they are made, be laid before both Houses of Parliament and shall be subject to such modifications as Parliament may make during the session in which they are so laid.

23. The Council may make regulations not inconsistent with this Act and the rules made thereunder, for— Power to make regulations.

(a) regulating the meetings of the Council and the procedure for conducting business thereat;

(b) regulating the manner of holding any inquiry under this Act;

(c) specifying the conditions of service of the members of the Council;

(d) specifying the terms and conditions of service of the employees appointed by the Council.

STATEMENT OF OBJECTS AND REASONS

One of the major recommendations of the Press Commission concerns the establishment of a Press Council in India consisting of people principally connected with the Press, which would safeguard the liberty of the Press, evolve and maintain standards of journalistic ethics, keep under review developments tending towards monopoly and concentrations of control and promote research and provide common services for the Press. The Bill seeks to implement this recommendation.

2. In the matter of its composition, the Bill closely follows the recommendations of the Press Commission, thereby guaranteeing predominant representation to members drawn from the Press who will consist of working journalists, including working editors of both English and Indian language newspapers, and persons who own or carry on the business of newspapers. The remaining few members will represent the interests of literature, education and culture as recommended by the Commission, and also public opinion through three representatives drawn from Parliament. The Vice-President of India, the Speaker of the House of the People and the Chairman of the Council will constitute a Committee for selecting representatives out of the panels furnished to them, the selection in respect of the representatives from the Press being made with due regard to the panels of names furnished by established associations of working journalists and of persons carrying on the business of newspapers.

3. The Press Council will be an autonomous body in the discharge of its functions and will regulate its own procedure. No disciplinary powers are given to the Council. It can only express its disapprobation and for that purpose it has been given the necessary immunities and procedural powers for holding enquiries.

NEW DELHI;

The 21st June, 1956.

B. V. KESKAR

FINANCIAL MEMORANDUM

The Bill contemplates the appointment of a salaried or an honorary Chairman and such other officers as may be necessary for the purpose of performing the functions assigned to the Press Council. Members will receive only an allowance for the days they attend meetings of the Council. There will be a small staff to begin with and it is anticipated that the annual expenditure would not exceed Rs. 1,50,000/- including the cost of publication of the report of the Council. An initial non-recurring expenditure of about Rs. 15,000 may also be necessary during 1956-57 for providing furniture, library and other equipment necessary for the office of the Council.

2. No provision has been made in the budget estimates for this purpose, but necessary funds will be made available.

3. Funds in respect of subsequent years will vary from year to year and will be provided in the budget estimates in the normal way.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 22 of the Bill empowers the Central Government to make rules to carry out the purposes of the Act. The matters in respect of which such rules may be made have been specified therein. They relate to allowances or fees of members, the manner of inviting panels of names for the purpose of making appointments to the Council, the procedure for retirement of members, the conditions of service of the employees of the Council, the form of budget and the manner of auditing the accounts. All these matters are of procedural and routine character. These rules have to be laid before both Houses of Parliament and shall be subject to such modifications as Parliament may make.

In clause 23 the Press Council has been empowered to make regulations in respect of the procedure for conducting business at the meetings of the Council, the manner of holding an enquiry under the Act and the conditions of service of the members and employees of the Council. All these matters are of a procedural and routine character.

The delegated legislation is of a normal character.

Bill No. XIII of 1956

A Bill to provide for the regulation of the prices charged for newspapers in relation to their pages and of matters connected therewith for the purpose of preventing unfair competition among newspapers so that newspapers may have fuller opportunities of freedom of expression.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Newspaper (Price and Page) Act, 1956. *Short title, extent and duration.*

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall cease to have effect on the expiration of a period of five years from its commencement except as respects things done or omitted to be done before the expiration thereof, and section 6 of the General Clauses Act, 1897, shall apply on the expiry of this Act as if it had then been repealed by a Central Act.

10 of 1897.

2. In this Act, unless the context otherwise requires,

Definitions.

(a) "daily newspaper" means a newspaper which is published on not less than six days in a week, and includes any supplement or special edition of such newspaper;

(b) "newspaper" means any printed periodical work containing public news or comments on public news appearing at intervals of not more than a week.

Power to
regulate
prices and
pages of
newspapers,
etc.

3. (1) If the Central Government is of opinion that for the purpose of preventing unfair competition among newspapers so that newspapers generally and in particular, newspapers with smaller resources and those published in Indian languages may have fuller opportunities of freedom of expression, it is necessary or expedient so to do, the Central Government may, from time to time, by notification in the Official Gazette, make an order providing for the regulation of the prices charged for newspapers in relation to their maximum or minimum number of pages, sizes or areas and for the space to be allotted for advertising matter in relation to other matters therein.

(2) An order under this section—

(a) may be made in relation to newspapers generally or in relation to any class of newspapers;

(b) may contain different provisions for daily newspapers and newspapers appearing at other periodical intervals and for different classes of newspapers, and may, in particular, make separate provisions for weekly editions of daily newspapers whether appearing under the same title or not, and also for supplements or special editions of newspapers issued on special occasions;

(c) shall be made relatable to such period of time as the Central Government may deem reasonable;

(d) may provide for incidental or supplementary matters.

(3) An order under this section shall be made with due regard to the need for reasonable flexibility with reference to the fall of news, the flow of advertisements and other matters connected with the normal working of newspapers.

(4) Before making any order under this section, the Central Government shall consult associations of publishers, and such publishers likely to be affected by the order as it may think fit with respect to the action proposed to be taken.

Prohibition
of publi-
cation and
sale of news-
papers in
contra-
vention of
order under
section 3.

4. No newspaper shall be published or sold in the territories to which this Act extends in contravention of any of the provisions of an order made under section 3.

Returns to
be furnished
by news-
papers.

5. For the purpose of verifying whether an order made under section 3 is being complied with or not, the Press Registrar appointed under the Press and Registration of Books Act, 1867, may, from time to time, direct the publisher of any newspaper to which such an

order applies to furnish to him such weekly returns and statistics with respect to any of the particulars referred to in section 3 as the Press Registrar may, from time to time, require and the publisher of every newspaper shall comply with such direction.

6. (1) If any newspaper is published or sold in contravention of section 4, the publisher of the newspaper shall, on first conviction, be punishable with fine which may extend to one thousand rupees and on any second or subsequent conviction, with fine which may extend to two thousand rupees. na ies.

(2) If the publisher of any newspaper,—

(a) refuses or neglects to comply with any direction of the Press Registrar given under section 5; or

(b) furnishes or causes to be furnished to the Press Registrar any weekly returns or statistics which he has reason to believe to be false,

he shall be punishable with fine which may extend to five hundred rupees.

25 of 1867. 7. No court shall take cognizance of any offence punishable under this Act except upon a complaint in writing by the Press Registrar appointed under the Press and Registration of Books Act, 1867, or by any officer authorised by him in writing in this behalf. Cognizance of offences.

STATEMENT OF OBJECTS AND REASONS

The regulation of the prices of newspapers in relation to their sizes appeared to be a necessity to the Press Commission mainly in order to provide the circumstances in which freedom of opinion could be very much more real than it is today by eliminating unfair competition and equalising opportunities for newspapers especially with smaller resources. Accordingly, one of the major recommendations of the Press Commission was that legislation be enacted empowering Government to issue from time to time a price-page schedule fixing a minimum price at which papers of a particular size can be sold. The Commission also recommended that in order to ensure that the reader gets an adequate proportion of news and views and that the advertisements are not reduced in effectiveness because there are too many of them, the total space allotted to advertisements in newspapers should be restricted to a specified proportion. The consensus of opinion in the Press industry is in favour of these recommendations and there has been a general demand for their implementation. In the course of the debate on the Press Commission's Report, general approval was expressed by Parliament to the principles underlying these recommendations. The Bill seeks to implement the recommendations by conferring powers suitably for the purpose.

The scope of the Bill is restricted to newspapers which appear at intervals of not more than a week. Clause 3 of the Bill empowers Government to issue a price-page schedule from time to time by making an order providing for the regulation of the prices charged for newspapers in relation to their maximum or minimum number of pages, sizes or areas and for the space to be allotted for advertising matter in relation to other matters. It is enjoined that such order shall be made with due regard to the need for reasonable flexibility with reference to the fall of news, the flow of advertisements and other matters connected with the normal working of newspapers. Similarly, provision has been made for the schedule to be drawn up in consultation with the interests concerned. The other provisions of the Bill mainly relate to procedure.

B. V. KESKAR.

NEW DELHI;

The 24th July, 1956.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill empowers the Central Government to make an order regulating the prices charged for newspapers in relation to their maximum or minimum number of pages, sizes or areas, and the space to be allotted for advertising matter in relation to other matters therein. Different orders may have to be made in relation to different classes of newspapers and the orders may have to be varied from time to time. It is, therefore, necessary to empower the Central Government to make such an order. It is enjoined, however, that such an order should be made after consultation with the interests concerned and having due regard to the need for reasonable flexibility with reference to the fall of news, flow of advertisements and other matters connected with the normal working of newspapers.

2. The delegation of legislative power is of a normal character.

S. N. MUKERJEE,
Secretary.

